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7 HULEN T. HARRELL,  
8 Plaintiff,  
9  
10 v.  
11  
12 GREGORY J. AHERN,  
13 Defendant.

14 Case No. 14-cv-00317-JD

15 **ORDER DISMISSING CASE**

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18 This is a habeas petition filed pro se by an individual awaiting a determination of civil  
19 commitment pursuant to California's Sexually Violent Predators Act ("SVP"). *See* Cal. Welf. &  
20 Inst. Code 6600, et seq. On March 4, 2014, the petition was dismissed with leave to amend  
21 because the claims were not understandable. In claim one petitioner stated that his SVP  
22 evaluations were false and his counsel was ineffective. Claim two was incomprehensible.  
23 Plaintiff was also ordered to address why this petition should not be dismissed pursuant to  
24 *Younger v. Harris*, 401 U.S. 37 (1971).

25 Petitioner has received many extensions but has still failed to file a proper amended  
26 petition. A filing that the Court construed as an amended petition was dismissed with leave to  
27 amend on October 3, 2014. Petitioner has not filed a new amended pleading or sufficiently  
demonstrated why the case should not be dismissed pursuant to *Younger*. Petitioner's  
disagreements with his public defender, and the denial of his requests for a new attorney do not  
warrant intervention at this time. Petitioner has also stated that he has discovered new claims and  
seeks a stay and abeyance, presumably to exhaust these claims. The request for a stay is denied  
and because petitioner has not demonstrated extraordinary circumstances to interfere with the state  
proceedings, the petition is dismissed.<sup>1</sup> Once the state proceeding has terminated and petitioner  
has properly exhausted his claims he may re-file a federal petition.

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1 The Court notes that petitioner filed another case that was difficult to understand that was

## CONCLUSION

1. The petition is **DISMISSED** for the reasons set forth above.
2. Because reasonable jurists would not find the result here debatable, a certificate of appealability (“COA”) is **DENIED**. *See Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000) (standard for COA).

## IT IS SO ORDERED.

Dated: March 9, 2015

JAMES DONATO  
United States District Judge

United States District Court  
Northern District of California

dismissed for failure to file an amended complaint. *See Harrell v. State of California*, Case No. 13-cv-1351-RMW. The Ninth Circuit affirmed the dismissal. Docket No. 16 in Case No. 13-cv-1351-RMW.

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**CERTIFICATE OF SERVICE**

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.  
13 District Court, Northern District of California.

14 That on 3/9/2015, I SERVED a true and correct copy(ies) of the attached, by placing said  
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
located in the Clerk's office.

17 Hulen T. Harrell ID: PFN #AAN366  
18 550 6th Street  
Oakland, CA 94607

19  
20 Dated: 3/9/2015  
21

22 Richard W. Wiering  
23 Clerk, United States District Court  
24

25 B *Lisa R. Clark* —  
26 LISA R. CLARK, Deputy Clerk to the  
Honorable JAMES DONATO  
27  
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